

AN ORDINANCE

08-O-1562

BY COMMITTEE ON COUNCIL

(AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE)

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT WITH FULTON COUNTY TO CONDUCT A CITY OF ATLANTA SPECIAL ELECTION TO BE HELD ON THE DATE OF THE NOVEMBER 4, 2008 STATE-WIDE GENERAL ELECTION, TO PERMIT THE ELECTORS OF THE CITY OF ATLANTA AND THE ELECTORS OF THE CITY OF ATLANTA INDEPENDENT SCHOOL DISTRICT TO VOTE ON THREE ACTS PASSED BY THE GEORGIA GENERAL ASSEMBLY AND APPROVED BY THE GOVERNOR TO INCREASE THE HOMESTEAD EXEMPTION FROM AD VALOREM TAXES FOR MUNICIPAL PURPOSES FOR CITY OF ATLANTA RESIDENTS, TO INCREASE THE HOMESTEAD EXEMPTION FROM AD VALOREM TAXES FOR EDUCATIONAL PURPOSES FOR CITY OF ATLANTA INDEPENDENT SCHOOL DISTRICT RESIDENTS, AND TO INCREASE THE HOMESTEAD EXEMPTION FROM AD VALOREM TAXES FOR MUNICIPAL PURPOSES FOR CITY OF ATLANTA RESIDENTS 65 YEARS OF AGE OR OLDER WHOSE INCOME DOES NOT EXCEED \$40,000.00 [PER YEAR]; TO APPOINT THE FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS, WITH THE DIRECTOR OR INTERIM DIRECTOR OF THE FULTON COUNTY DEPARTMENT OF REGISTRATION AND ELECTIONS ACTING AS ITS AGENT, AS MUNICIPAL ELECTION SUPERINTENDENT FOR THE PURPOSE OF CONDUCTING SAID SPECIAL ELECTION, AS ABSENTEE BALLOT CLERK AND AS MUNICIPAL REGISTRAR; AND FOR OTHER PURPOSES.

WHEREAS, in accordance with O.C.G.A. Section 21-2-45 (c)(1), the City of Atlanta may authorize Fulton County, by ordinance, to conduct elections; and

WHEREAS, the City of Atlanta must take certain actions to authorize elections on three separate questions as directed by the Georgia General Assembly pursuant to Act Number 613 (S. B. 325), Act Number 618 (H. B. 1192) and Act Number 620 (H. B. 1191), all dealing with increases in the homestead exemptions for residents of the City of Atlanta and the City of Atlanta Independent School District as more fully described in City of Atlanta Ordinances 08-O-1563, 08-O-1564, and 08-O-1565; and

WHEREAS, the City of Atlanta wishes to enter into a contract with Fulton County to conduct a **special** election for the above stated purposes on the date of the November, 2008 state-wide general election; and

WHEREAS, in accordance with O.C.G.A. Sections 21-2-70.1(b), 21-2-380.1 and 21-2-212(c) the governing authority of the City of Atlanta is to appoint a municipal election superintendent, an absentee ballot clerk and a municipal registrar in a public meeting and the appointments shall be recorded in the minutes of said meeting.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby ordains as follows:

Section 1. That, by authority of City of Atlanta Ordinances 08-O-1563, 08-O-1564, and 08-O-1565, copies of which are attached hereto as Exhibits A, B and C, the City of Atlanta is to hold a **special** election to consider:

(a) a new increased homestead exemption from City of Atlanta ad valorem taxes for municipal purposes in the amount of \$40,000.00 of the assessed value of the homestead for residents of the city who are 65 years of age or over whose income does not exceed \$40,000.00 [per year];

(b) an increase in the homestead exemption from City of Atlanta independent school district ad valorem taxes for educational purposes from \$15,000.00 to \$30,000.00 after a three-year phase-in period.

(c) an increase in the homestead exemption from City of Atlanta ad valorem taxes for municipal purposes from \$15,000.00 to \$30,000.00 after a three-year phase-in period;

Said **special** election is to be held on the Tuesday, next after the first Monday in November, 2008 (November 4, 2008).

Section 2. That the Mayor be and is hereby authorized to execute an appropriate contractual agreement with Fulton County to conduct said City of Atlanta **special** election to be held in conjunction with the date of the November, 2008, state-wide general election.

Section 3. That the governing authority of the City of Atlanta, in accordance with O.C.G.A., Section 21-2-70.1 (b), does hereby appoint, as Municipal Election Superintendent, the Fulton County Board of Registration and Elections, with the Director or Interim Director of the Fulton County Department of Registration and Elections acting as its agent, for the purpose of conducting said City of Atlanta **special** election.

Section 4. That the governing authority of the City of Atlanta, in accordance with O.C.G.A., Section 21-2-380.1 does hereby appoint the Fulton County Board of Registration and Elections, with the Director or Interim Director of the Fulton County Department of Registration and Elections, acting as its agent, as Absentee Ballot Clerk for said City of Atlanta **special** election.

Section 5. That the governing authority of the City of Atlanta, in accordance with O.C.G.A., Section 21-2-212 (c) does hereby appoint the Fulton County Board of Registration and Elections, with the Director or Interim Director of the Fulton County Department of

Registration and Elections acting as its agent, as Municipal (Chief) Registrar for said City of Atlanta **special** election.

Section 6. That Fulton County has submitted a projected cost to conduct said City of Atlanta election, as shown in the form attached hereto and identified as Exhibit D.

Section 7. That based on the projected cost supplied by Fulton County, the City shall pay to Fulton County \$_____ for said City of Atlanta **special** election to be paid from and charged to Account _____.

Section 8. That the City Attorney be and is hereby directed to prepare an appropriate contract with Fulton County for execution by the Mayor, in substantially the form attached hereto and identified as Exhibit E, to be approved by the City Attorney as to form.

Section 9. That the contract with Fulton County shall not become binding on the City and the City shall incur no liability upon same until such contract has been signed by the Mayor, signed and sealed by the Municipal Clerk, and delivered to the contracting party.

Section 10. Should any part of this ordinance be declared unconstitutional or unenforceable in a court of law, it shall be severed from this ordinance and all such parts not declared unconstitutional or unenforceable shall remain in full force and effect.

Section 11. That all ordinances and parts of ordinances in conflict herewith be and are hereby repealed.

AN ORDINANCE

08-O-1563

BY COMMITTEE ON COUNCIL

(AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE)

AN ORDINANCE TO REGULATE AND PROVIDE FOR THE CALL OF A SPECIAL ELECTION AND TO CALL A SPECIAL ELECTION, IN ACCORDANCE WITH ACT NUMBER 613 (S. B. 325), TO DETERMINE THE APPROVAL OR NON-APPROVAL BY THE RESIDENTS OF THE CITY OF ATLANTA, OF A HOMESTEAD EXEMPTION FROM CITY OF ATLANTA AD VALOREM TAXES FOR MUNICIPAL PURPOSES IN THE AMOUNT OF \$40,000.00 OF THE ASSESSED VALUE OF THE HOMESTEAD FOR RESIDENTS OF THE CITY WHO ARE 65 YEARS OF AGE OR OVER WHOSE INCOME DOES NOT EXCEED \$40,000.00 [PER YEAR]; AND FOR OTHER PURPOSES.

WHEREAS, Georgia General Assembly, 2008 Session, Act Number 613 (S. B. 325) (the "Act") provides for a homestead exemption from City of Atlanta ad valorem taxes for municipal purposes in the amount of \$40,000.00 of the assessed value of the homestead for residents of the City of Atlanta who are sixty-five years of age or over whose income does not exceed \$40,000.00 [per year]; and

WHEREAS, the Act directs the Municipal Election Superintendent of the City of Atlanta to call and conduct a **special** election for the purpose of submitting this Act to the electors of the City of Atlanta for approval or rejection on the Tuesday next after the first Monday in November, 2008; and

WHEREAS, such "call" as defined by Georgia Code Section 21-2-2 (3) will be made by the Municipal Election Superintendent of the City of Atlanta through the publication of notice of such election in the official legal organ of Fulton County, the Fulton County Daily Report, on **September 3, 2008**; and.

WHEREAS, Act Number 613 (S. B. 325) was passed by the Georgia Senate on April 20, 2007; and

WHEREAS, Act Number 613 (S. B. 325) was passed by the Georgia House of Representatives on April 4, 2008; and

WHEREAS, Act Number 613 (S. B. 325) was approved by the Governor of the State of Georgia on May 13, 2008.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1: Call of Election. There shall be and is hereby called, as of the date of first publication of notice on **September 3, 2008** made by the Municipal Clerk as Municipal Election Superintendent of the City of Atlanta, a **special** election to be held in the City of Atlanta on the Tuesday next after the first Monday in November, 2008, Said **special** election shall be held for the purpose of submitting to the electors of the City, the question of whether a new increased homestead exemption from City of Atlanta ad valorem taxes for municipal purposes in the amount of \$40,000.00 of the assessed value of the homestead for residents of the city who are 65 years of age or over whose income does not exceed \$40,000.00 [per year].

Section 2: Question to be Voted Upon. The ballot label to be used in the election shall have printed thereon the question to be determined by the voters, which shall be substantially in the following form. The electors may vote for or against the following question:

- () YES SHALL THE ACT BE APPROVED WHICH PROVIDES A NEW INCREASED HOMESTEAD EXEMPTION FROM CITY OF ATLANTA AD VALOREM TAXES FOR MUNICIPAL PURPOSES IN THE AMOUNT OF \$40,000.00 OF THE ASSESSED VALUE OF THE HOMESTEAD FOR RESIDENTS OF THAT CITY WHO ARE 65 YEARS OF AGE OR OVER
- () NO WHOSE INCOME DOES NOT EXCEED \$40,000.00 ?

Section 3: Manner of Voting. All persons desiring approval of the Act shall vote "YES", and all persons desiring rejection of the Act shall vote "NO".

Section 4: Results of Voting. If more than one-half of the votes cast on the question are for approval of the Act, Sections 1 through 3 of Act Number 613 (S. B. 325) shall become of full force and effect on January 1, 2009, and shall be applicable to all taxable years beginning on or after January 1, 2009. If the Act is not so approved or if the election is not conducted as provided in Sections 1 through 3 of this Act, this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date.

Section 5: Time and Place of Election. The **special** election shall be held in conjunction with the state-wide general election on Tuesday, November 4, 2008 at the regular and established polling places for holding elections in each precinct of the City. Each polling place shall be opened at 7:00 o'clock a.m. and closed at 7:00 o'clock p.m. The election shall be held in accordance and in conformity with the Constitution and laws of the United States of America and the State of Georgia.

Section 6: Authorization to Publish Notice of Election. In addition to the publication of notice defined by Georgia Code Section 21-2-2 (3) as the "call" of the election and noted in Section 1 of this ordinance, the Municipal Clerk, as Municipal

Election Superintendent of the City of Atlanta, shall be and is hereby authorized and instructed to further publish a notice in the Fulton County Daily Report, the Atlanta Journal-Constitution and the Champion newspapers, once a week for a period of two (2) weeks immediately preceding the date of the **special** election. Such notice of **special** election shall be in substantially the following form:

[FORM OF NOTICE]

NOTICE OF SPECIAL ELECTION TO THE QUALIFIED VOTERS OF THE CITY
OF ATLANTA

YOU ARE HEREBY NOTIFIED that on Tuesday, the 4th of November, 2008, a **special** election will be held in the City of Atlanta, Georgia (the "City"), at which **special** election there will be submitted to the qualified voters of the City for their determination the question of whether a homestead exemption from City of Atlanta ad valorem taxes for municipal purposes shall be increased to \$40,000.00 of the assessed value of the homestead for residents of the City of Atlanta who are sixty-five years of age or over whose income does not exceed \$40,000.00.

A person shall not receive the homestead exemption granted unless that person or person's agent files an affidavit and application with the governing authority of the City of Atlanta, or the designee thereof, giving the person's age and the amount of income which the person and the person's spouse residing within such homestead received during the last taxable year and such additional information relative to receiving such exemption as will enable the governing authority of the City of Atlanta, or the designees thereof, to make a determination as to whether such owner is entitled to such exemption. The governing authority of the City of Atlanta, or the designee thereof, shall provide affidavit and application forms for this purpose.

The exemption shall be automatically renewed yearly as long as the owner occupies the residence as a homestead with no additional application necessary after the proper affidavit has been filed. The exemption shall not apply to or affect any state taxes, county taxes for county purposes, or City of Atlanta School District taxes for educational purposes. The homestead exemption shall be in lieu of and not in addition to any other homestead exemption applicable to City of Atlanta ad valorem taxes for municipal purposes. The exemption, if approved by the voters, shall apply to all taxable years beginning on or after January 1, 2009.

Voters desiring to vote for the homestead exemption shall do so by voting "YES" and voters desiring to vote against the homestead exemption shall do so by voting "NO" as to the question written or printed on the ballot labels with respect to the Act. Such question shall be substantially as follows:

- () YES **SHALL THE ACT BE APPROVED WHICH PROVIDES A NEW INCREASED HOMESTEAD EXEMPTION FROM CITY OF ATLANTA AD VALOREM TAXES FOR MUNICIPAL PURPOSES IN THE AMOUNT OF \$40,000.00 OF THE ASSESSED VALUE OF THE HOMESTEAD FOR RESIDENTS OF THAT CITY WHO ARE 65 YEARS OF AGE OR**
- () NO **OVER WHOSE INCOME DOES NOT EXCEED \$40,000.00 ?**

The ballot labels for the question propounded above shall have printed thereon the word "YES" and the word "NO" in order that each voter may cast his or her vote in either the affirmative or the negative as to the question propounded.

The several places for holding the **special** election shall be the regular and established polling places for holding elections in each precinct in the City. Each polling place shall be opened at 7:00 o'clock a.m. and closed at 7:00 o'clock p.m. on November 4, 2008.

Those qualified to vote at this **special** election shall be determined in all respects in accordance and in conformity with the Constitution and laws of the United States of America and of the State of Georgia.

FOR INFORMATION ON HOW TO REGISTER AND WHERE TO VOTE, YOU MAY CALL THE FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS AT (404) 612-7020 OR INQUIRE AT THE OFFICES OF THE FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS AT THE FULTON COUNTY ADMINISTRATION BUILDING, 141 PRYOR STREET, S.W., SUITE 4075, ATLANTA, GEORGIA. THE FINAL DAY FOR REGISTRATION TO VOTE IN SUCH ELECTION SHALL BE OCTOBER 6, 2008.

This notice is given pursuant to the authority of Act Number 613 (S. B.325) approved by the Governor of the State of Georgia on May 13, 2008

CITY OF ATLANTA

Rhonda Dauphin Johnson
Municipal Clerk/Election Superintendent

Section 7: Election and Canvass. The appropriate officials of the City shall take or cause to be taken all actions which are required for holding the **special** election in conformity with the constitution and laws of the United States of America and the State of Georgia, including the execution by the Mayor of the City of Atlanta of an agreement with Fulton County, Georgia for all or part of the acts to be performed in the holding of the **special** election and the canvass of the results of the **special** election.

Section 8: Voter Registration. The books for registration of voters in the **special** election shall remain open until the close of business on October 6, 2008.

Section 9: Further Action. The Municipal Clerk is hereby ordered and directed forthwith, as the Municipal Election Superintendent of the City of Atlanta, to take such action in conjunction with the City Council as may be provided by law.

Section 10: Conflict; Repealer. Any and all ordinances in conflict with this ordinance shall be and they are hereby repealed.

AN ORDINANCE

08-O-1564

BY COMMITTEE ON COUNCIL

(AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE)

AN ORDINANCE TO REGULATE AND PROVIDE FOR THE CALL OF A SPECIAL ELECTION AND TO CALL A SPECIAL ELECTION, IN ACCORDANCE WITH ACT NUMBER 620 (H. B. 1191), TO DETERMINE THE APPROVAL OR NON-APPROVAL BY THE RESIDENTS OF THE CITY OF ATLANTA INDEPENDENT SCHOOL DISTRICT, OF A HOMESTEAD EXEMPTION FROM CITY OF ATLANTA INDEPENDENT SCHOOL DISTRICT AD VALOREM TAXES FOR EDUCATIONAL PURPOSES, FROM \$15,000.00 TO \$30,000.00 AFTER A THREE-YEAR PHASE-IN PERIOD; AND FOR OTHER PURPOSES.

WHEREAS, Georgia General Assembly, 2008 Session,, Act Number 620 (H. B. 1191) (the "Act") provides for a homestead exemption increase from City of Atlanta Independent School District ad valorem taxes for educational purposes from \$15,000.00 to \$30,000.00 after a three-year phase-in period; and

WHEREAS, the Act directs the Municipal Election Superintendent of the City of Atlanta to call and conduct a **special** election for the purpose of submitting this Act to the electors of the City of Atlanta Independent School District for approval or rejection on the date of the November, 2008 state-wide general election; and

WHEREAS, such "call" as defined by Georgia Code Section 21-2-2 (3) will be made by the Municipal Election Superintendent of the City of Atlanta through the publication of notice of such election in the official legal organ of Fulton County, the Fulton County Daily Report, on **September 3, 2008**; and.

WHEREAS, Act Number 620 (H. B. 1191) was passed by the Georgia House of Representatives on March 18, 2008; and

WHEREAS, Act Number 620 (House Bill 1191) was passed by the Georgia Senate on April 4, 2008; and

WHEREAS, Act Number 620 (House Bill 1191) was signed by the Governor of the State of Georgia on May 13, 2008.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY
ORDAINS AS FOLLOWS:

Section 1: Call of Election. There shall be and is hereby called, as of the date of first publication of notice on **September 3, 2008** made by the Municipal Clerk as Municipal Election Superintendent of the City of Atlanta, a **special** election to be held in the City of Atlanta on the date of the November, 2008 state-wide general election. Said **special** election shall be held for the purpose of submitting to the electors of the City of Atlanta Independent School District, the question of whether the homestead exemption from City of Atlanta independent school district ad valorem taxes for educational purposes, shall be increased from \$15,000.00 to \$30,000.00 over a three-year phase-in period.

Section 2: Question to be Voted Upon. The ballot label to be used in the election shall have printed thereon the question to be determined by the voters, which shall be substantially in the following form. The electors may vote for or against the following question:

- () YES SHALL THE ACT BE APPROVED WHICH INCREASES THE HOMESTEAD EXEMPTION FROM CITY OF ATLANTA INDEPENDENT SCHOOL DISTRICT AD VALOREM TAXES FOR EDUCATIONAL PURPOSES FROM \$15,000.00 TO \$30,000.00 AFTER A THREE-YEAR PHASE-IN PERIOD ?
- () NO

Section 3: Manner of Voting. All persons desiring approval of the Act shall vote "YES", and all persons desiring rejection of the Act shall vote "NO".

Section 4: Results of Voting. If more than one-half of the votes cast on such question are for approval of the Act, Section 1 of Act Number 620 (H. B. 1191) shall become of full force and effect on January 1, 2009, and shall be applicable to all taxable years beginning on or after January 1, 2009. If the Act is not so approved or if the election is not conducted as provided in Section 2 of the Act, the Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date.

Section 5: Time and Place of Election. The special election shall be held in conjunction with the state-wide general election on Tuesday, November 4, 2008 at the regular and established polling places for holding elections in each precinct of the City. Each polling place shall be opened at 7:00 o'clock a.m. and closed at 7:00 o'clock p.m. The election shall be held in accordance and in conformity with the Constitution and laws of the United States of America and the State of Georgia.

Section 6: Authorization to Publish Notice of Election. In addition to the publication of notice defined by Georgia Code Section 21-2-2 (3) as the “call” of the election and noted in Section 1 of this ordinance, the Municipal Clerk as Municipal

Election Superintendent of the City of Atlanta, shall be and is hereby authorized and instructed to further publish a notice in the Fulton County Daily Report, the Atlanta Journal-Constitution and the Champion newspapers, once a week for a period of two (2) weeks immediately preceding the date of the **special** election. Such notice of **special** election shall be in substantially the following form:

[FORM OF NOTICE]

NOTICE OF **SPECIAL** ELECTION TO THE QUALIFIED VOTERS OF THE CITY
OF ATLANTA INDEPENDENT SCHOOL DISTRICT

YOU ARE HEREBY NOTIFIED that on Tuesday, the 4th of November, 2008, a **special** election will be held in the City of Atlanta, Georgia (the "City"), at which **special** election there will be submitted to the qualified voters of the City of Atlanta Independent School District for their determination, the question of whether the homestead exemption from City of Atlanta Independent School District ad valorem taxes for educational purposes shall be increased from \$15,000.00 to \$30,000.00 after a three-year phase-in period. If approved, the phase in period would occur as follows:

- (1) For the taxable year beginning on or after January 1, 2009, and prior to January 1, 2010, in the amount of \$20,000.00 of the assessed value of that homestead;
- (2) For the taxable year beginning on or after January 1, 2010, and prior to January 1, 2011, in the amount of \$25,000.00 of the assessed value of that homestead;
- (3) For the taxable year beginning on or after January 1, 2011, in the amount of \$30,000.00 of the assessed value of that homestead;

A person shall not receive the homestead exemption granted unless that person or person's agent files an affidavit and application with the governing authority of the City of Atlanta, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of Atlanta, or the designees thereof, to make a determination as to whether such owner is entitled to such exemption. The governing authority of the City of Atlanta, or the designee thereof, shall provide affidavit and application forms for this purpose.

The exemption shall be automatically renewed yearly as long as the owner occupies the residence as a homestead with no additional application necessary after the proper affidavit has been filed. The exemption shall not apply to or affect any state taxes, county taxes for county purposes, or City of Atlanta taxes for municipal purposes. The homestead exemption shall be in lieu of and not in addition to any other homestead exemption applicable to City of Atlanta Independent School District ad valorem taxes for educational purposes. The exemption, if approved by the voters, shall apply to all taxable years beginning on or after January 1, 2009.

Voters desiring to vote for the homestead exemption shall do so by voting "YES" and voters desiring to vote against the homestead exemption shall do so by voting "NO" as to the question written or printed on the ballot labels with respect to the Act. Such question shall be substantially as follows:

- () YES SHALL THE ACT BE APPROVED WHICH INCREASES THE
HOMESTEAD EXEMPTION FROM CITY OF ATLANTA INDEPENDENT
SCHOOL DISTRICT AD VALOREM TAXES FOR EDUCATIONAL
PURPOSES FROM \$15,000.00 TO \$30,000.00 AFTER A THREE-YEAR
() NO PHASE-IN PERIOD?

The ballot labels for the question propounded above shall have printed thereon the word "YES" and the word "NO" in order that each voter may cast his or her vote in either the affirmative or the negative as to the question propounded.

The several places for holding the **special** election shall be the regular and established polling places for holding elections in each precinct in the City. Each polling place shall be opened at 7:00 o'clock a.m. and closed at 7:00 o'clock p.m. on November 4, 2008.

Those qualified to vote at this **special** election shall be determined in all respects in accordance and in conformity with the Constitution and laws of the United States of America and the State of Georgia.

FOR INFORMATION ON HOW TO REGISTER AND WHERE TO VOTE, YOU MAY CALL THE FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS AT (404) 612-7020 OR INQUIRE AT THE OFFICES OF THE FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS AT THE FULTON COUNTY ADMINISTRATION BUILDING, 141 PRYOR STREET, S.W., SUITE 4075, ATLANTA, GEORGIA. THE FINAL DAY FOR REGISTRATION TO VOTE IN SUCH ELECTION SHALL BE OCTOBER 6, 2008.

This notice is given pursuant to the authority of Act Number 620 (H.B. 1191) approved by the Governor of the State of Georgia on May 13, 2008

CITY OF ATLANTA

Rhonda Dauphin Johnson
Municipal Clerk/Election Superintendent

Section 7: Election and Canvass. The appropriate officials of the City shall take or cause to be taken all actions which are required for holding the **special** election in conformity with the constitution and laws of the United States of America and the State of Georgia, including the execution by the Mayor of the City of Atlanta of an agreement with Fulton County, Georgia for all or part of the acts to be performed in the holding of the **special** election and the canvass of the results of the **special** election.

Section 8: Voter Registration. The books for registration of voters in the **special** election shall remain open until the close of business on October 6, 2008.

Section 9: Further Action. The Municipal Clerk is hereby ordered and directed forthwith, as the Municipal Election Superintendent of the City of Atlanta, to take such action in conjunction with the City Council as may be provided by law.

Section 10: Conflict; Repealer. Any and all ordinances in conflict with this ordinance shall be and they are hereby repealed.

AN ORDINANCE

08-O-1565

BY COMMITTEE ON COUNCIL

(AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE)

AN ORDINANCE TO REGULATE AND PROVIDE FOR THE CALL OF A SPECIAL ELECTION AND TO CALL A SPECIAL ELECTION, IN ACCORDANCE WITH ACT NUMBER 618 (H. B. 1192), TO DETERMINE THE APPROVAL OR NON-APPROVAL BY THE RESIDENTS OF THE CITY OF ATLANTA, OF A HOMESTEAD EXEMPTION FROM CITY OF ATLANTA AD VALOREM TAXES FOR MUNICIPAL PURPOSES, FROM \$15,000.00 TO \$30,000.00 AFTER A THREE-YEAR PHASE-IN PERIOD; AND FOR OTHER PURPOSES.

WHEREAS, Georgia General Assembly, 2008 Session,, Act Number 618 (H. B. 1192) (the "Act") provides for a homestead exemption increase from City of Atlanta ad valorem taxes for municipal purposes from \$15,000.00 to \$30,000.00 after a three-year phase-in period; and

WHEREAS, the Act directs the Municipal Election Superintendent of the City of Atlanta to call and conduct a **special** election for the purpose of submitting this Act to the electors of the City of Atlanta for approval or rejection on the date of the November, 2008 state-wide general election; and

WHEREAS, such "call" as defined by Georgia Code Section 21-2-2 (3) will be made by the Municipal Election Superintendent of the City of Atlanta through the publication of notice of such election in the official legal organ of Fulton County, the Fulton County Daily Report, on **September 3, 2008**; and.

WHEREAS, Act Number 618 (H. B. 1192) was passed by the Georgia House of Representatives on March 18, 2008; and

WHEREAS, Act Number 618 (House Bill 1192) was passed by the Georgia Senate on April 4, 2008; and

WHEREAS, Act Number 618 (House Bill 1192) was signed by the Governor of the State of Georgia on May 13, 2008.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY
ORDAINS AS FOLLOWS:

Section 1: Call of Election. There shall be and is hereby called, as of the date of first publication of notice on **September 3, 2008** made by the Municipal Clerk as Municipal Election Superintendent of the City of Atlanta, a **special** election to be held in the City of Atlanta on the date of the November, 2008 state-wide general election. Said **special** election shall be held for the purpose of submitting to the electors of the City of Atlanta, the question of whether the homestead exemption from City of Atlanta ad valorem taxes for municipal purposes, shall be increased from \$15,000.00 to \$30,000.00 over a three-year phase-in period.

Section 2: Question to be Voted Upon. The ballot label to be used in the election shall have printed thereon the question to be determined by the voters, which shall be substantially in the following form. The electors may vote for or against the following question:

- () YES SHALL THE ACT BE APPROVED WHICH INCREASES THE HOMESTEAD EXEMPTION FROM CITY OF ATLANTA AD VALOREM TAXES FOR MUNICIPAL PURPOSES FROM \$15,000.00 TO \$30,000.00 AFTER A THREE-YEAR PHASE-IN PERIOD ?
- () NO

Section 3: Manner of Voting. All persons desiring approval of the Act shall vote “YES”, and all persons desiring rejection of the Act shall vote “NO”.

Section 4: Results of Voting. If more than one-half of the votes cast on such question are for approval of the Act, Section 1 of Act Number 618 (H. B. 1192) shall become of full force and effect on January 1, 2009, and shall be applicable to all taxable years beginning on or after January 1, 2009. If the Act is not so approved or if the election is not conducted as provided in Section 2 of the Act, the Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date.

Section 5: Time and Place of Election. The special election shall be held in conjunction with the state-wide general election on Tuesday, November 4, 2008 at the regular and established polling places for holding elections in each precinct of the City. Each polling place shall be opened at 7:00 o'clock a.m. and closed at 7:00 o'clock p.m. The election shall be held in accordance and in conformity with the Constitution and laws of the United States of America and the State of Georgia.

Section 6: Authorization to Publish Notice of Election. In addition to the publication of notice defined by Georgia Code Section 21-2-2 (3) as the “call” of the election and noted in Section 1 of this ordinance, the Municipal Clerk as Municipal

Election Superintendent of the City of Atlanta, shall be and is hereby authorized and instructed to further publish a notice in the Fulton County Daily Report, the Atlanta Journal-Constitution and the Champion newspapers, once a week for a period of two (2) weeks immediately preceding the date of the **special** election. Such notice of **special** election shall be in substantially the following form:

[FORM OF NOTICE]

NOTICE OF **SPECIAL** ELECTION TO THE QUALIFIED VOTERS OF THE CITY
OF ATLANTA INDEPENDENT SCHOOL DISTRICT

YOU ARE HEREBY NOTIFIED that on Tuesday, the 4th of November, 2008, a **special** election will be held in the City of Atlanta, Georgia (the "City"), at which **special** election there will be submitted to the qualified voters of the City of Atlanta for their determination, the question of whether the homestead exemption from City of Atlanta ad valorem taxes for municipal purposes shall be increased from \$15,000.00 to \$30,000.00 after a three-year phase-in period. If approved, the phase in period would occur as follows:

- (1) For the taxable year beginning on or after January 1, 2009, and prior to January 1, 2010, in the amount of \$20,000.00 of the assessed value of that homestead;
- (2) For the taxable year beginning on or after January 1, 2010, and prior to January 1, 2011, in the amount of \$25,000.00 of the assessed value of that homestead;
- (3) For the taxable year beginning on or after January 1, 2011, in the amount of \$30,000.00 of the assessed value of that homestead;

A person shall not receive the homestead exemption granted unless that person or person's agent files an affidavit and application with the governing authority of the City of Atlanta, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of Atlanta, or the designees thereof, to make a determination as to whether such owner is entitled to such exemption. The governing authority of the City of Atlanta, or the designee thereof, shall provide affidavit and application forms for this purpose.

The exemption shall be automatically renewed yearly as long as the owner occupies the residence as a homestead with no additional application necessary after the proper affidavit has been filed. The exemption shall not apply to or affect any state taxes, county taxes for county purposes, or City of Atlanta taxes for municipal purposes. The homestead exemption shall be in lieu of and not in addition to any other homestead exemption applicable to City of Atlanta Independent School District ad valorem taxes for educational purposes. The exemption, if approved by the voters, shall apply to all taxable years beginning on or after January 1, 2009.

Voters desiring to vote for the homestead exemption shall do so by voting "YES" and voters desiring to vote against the homestead exemption shall do so by voting "NO" as to the question written or printed on the ballot labels with respect to the Act. Such question shall be substantially as follows:

- () YES SHALL THE ACT BE APPROVED WHICH INCREASES THE
 HOMESTEAD EXEMPTION FROM CITY OF ATLANTA AD VALOREM
 TAXES FOR MUNICIPAL PURPOSES FROM \$15,000.00 TO
 \$30,000.00 AFTER A THREE-YEAR
() NO PHASE-IN PERIOD?

The ballot labels for the question propounded above shall have printed thereon the word 'YES' and the word "NO" in order that each voter may cast his or her vote in either the affirmative or the negative as to the question propounded.

The several places for holding the **special** election shall be the regular and established polling places for holding elections in each precinct in the City. Each polling place shall be opened at 7:00 o'clock a.m. and closed at 7:00 o'clock p.m. on November 4, 2008.

Those qualified to vote at this **special** election shall be determined in all respects in accordance and in conformity with the Constitution and laws of the United States of America and the State of Georgia.

FOR INFORMATION ON HOW TO REGISTER AND WHERE TO VOTE, YOU MAY CALL THE FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS AT (404) 612-7020 OR INQUIRE AT THE OFFICES OF THE FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS AT THE FULTON COUNTY ADMINISTRATION BUILDING, 141 PRYOR STREET, S.W., SUITE 4075, ATLANTA, GEORGIA. THE FINAL DAY FOR REGISTRATION TO VOTE IN SUCH ELECTION SHALL BE OCTOBER 6, 2008.

This notice is given pursuant to the authority of Act Number 620 (H.B. 1191) approved by the Governor of the State of Georgia on May 13, 2008

CITY OF ATLANTA

Rhonda Dauphin Johnson
Municipal Clerk/Election Superintendent

Section 7: Election and Canvass. The appropriate officials of the City shall take or cause to be taken all actions which are required for holding the **special** election in conformity with the constitution and laws of the United States of America and the State of Georgia, including the execution by the Mayor of the City of Atlanta of an agreement with Fulton County, Georgia for all or part of the acts to be performed in the holding of the **special** election and the canvass of the results of the **special** election.

Section 8: Voter Registration. The books for registration of voters in the **special** election shall remain open until the close of business on October 6, 2008.

Section 9: Further Action. The Municipal Clerk is hereby ordered and directed forthwith, as the Municipal Election Superintendent of the City of Atlanta, to take such action in conjunction with the City Council as may be provided by law.

Section 10: Conflict; Repealer. Any and all ordinances in conflict with this ordinance shall be and they are hereby repealed.

Exhibit D

To Ordinance 08-O-1562

PROJECTED COST

CITY OF ATLANTA SPECIAL ELECTION - November 4, 2008

350-265-2673-1462 OFFICE SUPPLIES

Absentee/Prov/Challenged Ballots \$ _____ Atlanta/Fulton

Ballot Card Setup Fee \$ _____

Projected Ballot Printing Cost \$ _____

10% Administrative Fee \$ _____

TOTAL PROJECTED BALLOT PRINTING COST - CITY OF ATLANTA SPECIAL ELECTION \$. _____

GEORGIA**FULTON COUNTY:**

THIS AGREEMENT entered into between the **City of Atlanta**, a municipal corporation lying wholly or partially within the County of Fulton, Georgia, hereinafter referred to as "**City**", and **Fulton County**, a political subdivision of the State of Georgia hereinafter referred to as "**County**".

WITNESSETH:

WHEREAS, the City in the performance of its governmental functions will hold the **City of Atlanta Special Election (the "Election")**, in conjunction with the Statewide General Election to be held on Tuesday, **November 4, 2008**; and,

WHEREAS, under the provisions of the Georgia Election Code, particularly Section 21-2-45(c) of the Official Code of Georgia, Annotated, the City may by ordinance authorize the County to conduct such an election and the City has heretofore adopted such an ordinance (#08-O-1562); and

NOW, THEREFORE, in consideration of the premises it is hereby agreed as follows:

1.

This Agreement shall govern the obligations of the parties in the conduct of the Election.

2.

The Fulton County Board of Registration and Elections, with the Director or Interim Director of the Fulton County Department of Registration and Elections acting as its agent, shall operate as the **Municipal Election Superintendent** (the "**Superintendent**") of the aforementioned election and shall perform any and all functions of the City or any of its officials in connection with the conduct of such election including; including serving as Absentee Ballot Clerk and Municipal Registrar, in accordance with O.C.G.A. Sections 21-2-70.1(b), 21-2-380.1 and 21-2-212(c).

3.

The cost of such election shall be in accordance with the projected cost therefore attached hereto as Exhibit "A" and made a part of hereof by reference. City agrees to pay County the original sum of \$ _____ for the **November 4, 2008 City of Atlanta Special Election presenting homestead exemption referendum questions to the voters (as more fully described in City of Atlanta Ordinances 08-O-1563, 08-O-1564 and 08-O-1565)**, to be maintained in a separate election account with all expenses and charges in connection with the Election to be recorded and paid from said account. City shall remit said funds to County within 30 days of execution of this contract. Within ninety (90) days after the date of the Election, County shall furnish to City a complete statement showing all costs and expenses incurred in the Election and refund any excess in the elections account or collect any deficits which may be in said account. After this time, all other invoices received will be forwarded to the City for payment.

4.

The City Attorney shall furnish all legal services and defenses of litigation required by the Fulton County Board of Registration and Elections or Fulton County personnel arising from the Election under this Agreement. Should the City Attorney for any reason fail to provide the legal services referred to in this paragraph, the Superintendent shall have authority to engage the Fulton County Legal Department at the reasonable expense of the City; which shall not exceed the costs to the County; provided, however, that all requests for legal assistance by the County from the City Attorney to provide such service shall be communicated in writing before the City will be obligated to pay for legal services under this paragraph; provided, further, that the failure of the City Attorney's office to respond to a request made hereunder, within a reasonable time, shall be deemed to be a refusal to furnish such services.

County shall notify City in writing of its determination that the City has failed to respond as contemplated herein above before incurring legal fees on its own behalf for which the City shall be responsible.

5.

No term of this contract shall limit the obligations of the Superintendent to take any steps required by the Georgia Election Code and the Rules of the State Election Board and the Charter and Code of Ordinances of the City of Atlanta.

6.

Should it be necessary to comply with legal requirements that any of the County's personnel shall be sworn in as a temporary officer or employee of the City, such formality shall be observed without limitations.

7.

To the extent allowed by law, the City agrees to indemnify, defend and hold harmless the County with respect to any claim, demand, action, damages, judgment, cost and/or expenses (including, without limitation, reasonable attorney's fees and legal expenses) to which the County may be subjected as a consequence of or as a result of any error, omission, tort, intentional tort, willful misconduct, or any other negligence on the part of the City and/or its employees.

8.

To the extent allowed by law, the County agrees to indemnify, defend and hold harmless the City with respect to any claim, demand, action, damages, judgment, cost and/or expenses (including, without limitation, reasonable attorney's fees and legal expenses) to which the City may be subjected as a consequence of as a result of any error, omission, tort, intentional tort, willful misconduct, or any other negligence on the part of the County and/or its employees.

IN WITNESS WHEREOF, the parties have hereunto set their hands and affixed their seals pursuant to resolutions of their governing bodies duly adopted and entered on the Minutes thereof.

CITY OF ATLANTA

Mayor
(Seal)

Attest: _____
Municipal Clerk

APPROVED AS TO FORM:

City Attorney

APPROVED:

Chief Financial Officer

FULTON COUNTY

Chair, Board of Commissioners
(Seal)

Attest: _____
Clerk to Commission

APPROVED AS TO FORM:

County Attorney

APPROVED:

Chair, Board of Registration & Elections

AN ORDINANCE

08-O-1562

BY COMMITTEE ON COUNCIL

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT WITH FULTON COUNTY TO CONDUCT A CITY OF ATLANTA ELECTION TO BE HELD ON THE DATE OF THE NOVEMBER, 2008 STATE-WIDE GENERAL ELECTION, TO PERMIT THE ELECTORS OF THE CITY OF ATLANTA AND THE ELECTORS OF THE CITY OF ATLANTA INDEPENDENT SCHOOL DISTRICT TO VOTE ON THREE ACTS PASSED BY THE GEORGIA GENERAL ASSEMBLY AND APPROVED BY THE GOVERNOR TO INCREASE THE HOMESTEAD EXEMPTION FROM AD VALOREM TAXES FOR MUNICIPAL PURPOSES FOR CITY OF ATLANTA RESIDENTS, TO INCREASE THE HOMESTEAD EXEMPTION FROM AD VALOREM TAXES FOR EDUCATIONAL PURPOSES FOR CITY OF ATLANTA INDEPENDENT SCHOOL DISTRICT RESIDENTS, AND TO INCREASE THE HOMESTEAD EXEMPTION FROM AD VALOREM TAXES FOR MUNICIPAL PURPOSES FOR CITY OF ATLANTA RESIDENTS 65 YEARS OF AGE OR OLDER WHOSE INCOME DOES NOT EXCEED \$40,000.00 [PER YEAR]; TO APPOINT THE FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS, WITH THE DIRECTOR OR INTERIM DIRECTOR OF THE FULTON COUNTY DEPARTMENT OF REGISTRATION AND ELECTIONS ACTING AS ITS AGENT, AS MUNICIPAL ELECTION SUPERINTENDENT FOR THE PURPOSE OF CONDUCTING SAID ELECTION, AS ABSENTEE BALLOT CLERK AND AS MUNICIPAL REGISTRAR; AND FOR OTHER PURPOSES.

WHEREAS, in accordance with O.C.G.A. Section 21-2-45 (c)(1), the City of Atlanta may authorize Fulton County, by ordinance, to conduct elections; and

WHEREAS, the City of Atlanta must take certain actions to authorize elections on three separate questions as directed by the Georgia General Assembly pursuant to Act Number 613 (S. B. 325), Act Number 618 (H. B. 1192) and Act Number 620 (H. B. 1191), all dealing with increases in the homestead exemptions for residents of the City of Atlanta and the City of Atlanta Independent School District as more fully described in City of Atlanta Ordinances 08-O-1563, 08-O-1564, and 08-O-1565; and

WHEREAS, the City of Atlanta wishes to enter into a contract with Fulton County to conduct an election for the above stated purposes on the date of the November, 2008 state-wide general election; and

WHEREAS, in accordance with O.C.G.A. Sections 21-2-70.1(b), 21-2-380.1 and 21-2-212(c) the governing authority of the City of Atlanta is to appoint a municipal election superintendent, an absentee ballot clerk and a municipal registrar in a public meeting and the appointments shall be recorded in the minutes of said meeting.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby ordains as follows:

Section 1. That, by authority of City of Atlanta Ordinances 08-O-1563, 08-O-1564, and 08-O-1565, copies of which are attached hereto as Exhibits A, B and C, the City of Atlanta is to hold an election to consider:

(a) a new increased homestead exemption from City of Atlanta ad valorem taxes for municipal purposes in the amount of \$40,000.00 of the assessed value of the homestead for residents of the city who are 65 years of age or over whose income does not exceed \$40,000.00 [per year];

(b) an increase in the homestead exemption from City of Atlanta independent school district ad valorem taxes for educational purposes from \$15,000.00 to \$30,000.00 after a three-year phase-in period.

(c) an increase in the homestead exemption from City of Atlanta ad valorem taxes for municipal purposes from \$15,000.00 to \$30,000.00 after a three-year phase-in period;

Said election is to be held on the Tuesday, next after the first Monday in November, 2008 (November 4, 2008).

Section 2. That the Mayor be and is hereby authorized to execute an appropriate contractual agreement with Fulton County to conduct said City of Atlanta election to be held on the date of the November, 2008, state-wide general election.

Section 3. That the governing authority of the City of Atlanta, in accordance with O.C.G.A., Section 21-2-70.1 (b), does hereby appoint, as Municipal Election Superintendent, the Fulton County Board of Registration and Elections, with the Director or Interim Director of the Fulton County Department of Registration and Elections acting as its agent, for the purpose of conducting said City of Atlanta election.

Section 4. That the governing authority of the City of Atlanta, in accordance with O.C.G.A., Section 21-2-380.1 does hereby appoint the Fulton County Board of Registration and Elections, with the Director or Interim Director of the Fulton County Department of Registration and Elections, acting as its agent, as Absentee Ballot Clerk for said City of Atlanta election.

Section 5. That the governing authority of the City of Atlanta, in accordance with O.C.G.A., Section 21-2-212 (c) does hereby appoint the Fulton County Board of Registration and Elections, with the Director or Interim Director of the Fulton County Department of Registration and Elections acting as its agent, as Municipal (Chief) Registrar for said City of Atlanta election.

Section 6. That Fulton County has submitted a projected cost to conduct said City of Atlanta election, as shown in the form attached hereto and identified as Exhibit D.

Section 7. That based on the projected cost supplied by Fulton County, the City shall pay to Fulton County \$_____ for said City of Atlanta election to be paid from and charged to Account _____.

Section 8. That the City Attorney be and is hereby directed to prepare an appropriate contract with Fulton County for execution by the Mayor, in substantially the form attached hereto and identified as Exhibit E, to be approved by the City Attorney as to form.

Section 9. That the contract with Fulton County shall not become binding on the City and the City shall incur no liability upon same until such contract has been signed by the Mayor, signed and sealed by the Municipal Clerk, and delivered to the contracting party.

Section 10. Should any part of this ordinance be declared unconstitutional or unenforceable in a court of law, it shall be severed from this ordinance and all such parts not declared unconstitutional or unenforceable shall remain in full force and effect.

Section 11. That all ordinances and parts of ordinances in conflict herewith be and are hereby repealed.

RCS# 2322
8/18/08
9:43 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

08-O-1562, 08-O-1563, 08-O-1564, 08-O-1565

REFER/FINANCE

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	B Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE